November 15, 2021 CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS

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DEPUTY

# I N THE UNITED STATES DISTRICT COURT FO R THE WESTERN DISTRICT OF TEXAS MIDLAND/ODESSA DIVISION

ONITED STATES OF AMERICA,		`)	
	Plaintiff,	)	Case No. MO:06-CR-89
	,	)	
v.		)	
		`	
Tommy Delando Bur	ns,		
	Defendant .	)	
		í	
		,	

# DEFENDANT'S PRO SEE MOTION FOR RECONSIDERATION PURSUANT TO RULE 59(e) i.e., MOTION TO ALTER OR AMEND JUDGMENT FOR RELIEF UNDER TI-IE FIRST STEP ACT OF 2018

AND NOW Comes Defer idant Tommy D. Burns in the above matter before the Court in esnonse to its October 13.,2021 letter. Defendant submits this motion in good-faith seeking to obtain "complete review,, of the effect which the First Step Act of 2018 has one his sentence.

#### **FACTS**

On September 23. 2021 the Court entered a Amended Order denying Defendants request (through his attorney) for relief under 18 U.S.C. § 3582 following remand from the Fifth Circuit court of Appeals. Unbeknownst to me, I prepared and mailed my Pro-se Motion for relief under he First Step Act of 2018 pursuant at 18 U.S.C. § 3582(h) and mailed it to the court which was received on October 4, 2021, 11-1 days after the decision. (Although my pro-se motion was eceived on 10/4/21, it was received within the time requirements pursuant to Rule 59(e)).

Defendant submitted his poro-se motion to obtain review for the "Statutory Changes" to 21 U.S.C. §§ 841(b)(1)(A) and 8. 41(B)(1)(b) which are in facts Retroactively applicable to the case at bar. The 105 grams estable ishes a base offense level under the Sentencing Guidelines at 24 which at Criminal History Category VI, Defendants sentencing range is 100-125 months.

### CONCIJISON

Defendant is currently set ving a term of imprisonment that is no longer applicable due to the statutory changes under 21 U .S.C. §841(b)(1)(A) and §841(b)(1)(B) opposite the Sentencing Gundelines Defendant has his finally to appoint him to make a successful transition back into society and become a positive rolle model to his family and children.

Defendant prays that the Court re-considers its decision denying his motion

.Respectfully\_submitted

Tommy Delando Burns, Pro se

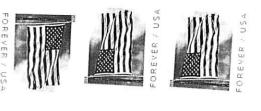
### **CERTIFICATE OF SERVICE**

Lertify that on October 26, 2021 I have effected service of the foregoing motion upon the ollowing parties below:

Joseph H. Gay, Jr./Brandi Young AUSA's U.S. Attorney's Office Ann West.Illinois.Street Ste. 12013)
Vidland, TX 79701

Respectfully submitted,.

Tommy Delando Burns, Pro se FCI Seagoville P.O. Box 9000 Seagoville,TX 7515 Register No.35499-177 Tommy Delando Burn Gase 7:06-cr-00089-DC Document 327 Filed 11/15/21 Page 4 of 4 FC1 Seagoville
P.O. Box 9000
Seagoville, TX 75159



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